

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHONG SOOK LIM,

Plaintiff,

v.

CHILD PROTECTIVE SERVICES OF  
TULARE COUNTY, et al.,

Defendants.

No. 1:21-cv-00433-NONE-EPG

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS THIS  
ACTION AS DUPLICATIVE

(Doc. No. 5)

Plaintiff Chong Sook Lim is proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff has two civil rights cases currently pending. On July 30, 2020, plaintiff filed a separate complaint in this court: *Lim v. Menne*, No. 1:20-cv-01049-NONE-SKO. The second case is the present case, No. 1:21-cv-00433-NONE-EPG, filed on March 16, 2021. (Doc. No. 1).

In both cases, plaintiff alleges that Tulare County Child Protective Services (“CPS”) employees deprived plaintiff of a Korean interpreter at their interviews conducted in 2014–2018, which resulted in the filing of false and inaccurate reports, which were later submitted to the family court judge and contributed to the loss of full custody of plaintiff’s child. Also in both cases, plaintiff asserts violations of her right to familial association and *Monell* claims regarding a policy of inadequate training and/or supervision related to the investigation of child abuse and a

1 practice of presenting false and fabricate evidence to the family court. Lastly, plaintiff names  
2 CPS and Lydia Suarez as defendants in both cases.<sup>1</sup>

3 On May 5, 2021, the assigned magistrate judge issued findings and recommendations,  
4 concluding that that the allegations, claims, and requested relief in both cases are nearly identical.  
5 (Doc. No. 5.) In particular, the magistrate judge noted that, in Case No. 1:20-cv-01049-NONE-  
6 SKO, Defendants Lydia Suarez and CPS were dismissed on January 4, 2021, while the case  
7 proceeded only on plaintiff's § 1983 familial association claim against Defendants Jennifer  
8 Menne and Melanie Huerta. (*Id.* at 2-3.) The magistrate judge concluded that the complaint in  
9 the instant action thus appears to be an improper attempt to reinstate plaintiff's claims against  
10 Lydia Suarez and CPS and recommended the dismissal of this action as duplicative. (*Id.* at 3.)

11 Plaintiff did not file any objections, and the time to do so has expired. In accordance with  
12 the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of this  
13 case. Having carefully reviewed the entire file, the court finds the findings and recommendations  
14 to be supported by the record and proper analysis.

15 Accordingly,

- 16 1. The findings and recommendations issued May 5, 2021 (Doc. No. 5) are adopted in  
17 full;
- 18 2. This action is dismissed as duplicative of *Lim v. Menne*, No. 1:20-cv-01049-NONE-  
19 SKO;
- 20 3. The Clerk of the Court is directed to assign a district judge to this action for purposes  
21 of closure and to close this case.

22 IT IS SO ORDERED.

23 Dated: **June 9, 2021**

24   
UNITED STATES DISTRICT JUDGE

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27  
28 <sup>1</sup> In Case No. 1:20-cv-01049-NONE-SKO (Doc. No. 7), Jennifer Menne and Melanie Huerta are  
also named as additional defendants.